

IN RE:

DEBORAH J. FULLER : Bankruptcy Case No. 19-10599 TPA  
: Chapter 13  
Debtor :

### PLAN CONFIRMATION ORDER

**A** It is hereby **ORDERED** that with the consent of the Debtor(s), the Chapter 13 Plan dated June 13, 2019, except as modified herein as checked below, is **CONFIRMED** in accord with *11 USC 1325*. On the effective date of this Order, the Chapter 13 Trustee shall pay administrative, secured and priority creditors identified in the Plan. General unsecured creditors will not receive distributions at least until the government bar date has passed and the Chapter 13 Trustee has submitted a *Notice of Intention to Pay Claims* to the Court. Confirmation of this Plan pursuant to this Order is without prejudice to reconsideration following a status conference held by the Chapter 13 Trustee to gauge the progress of Plan implementation which conference is scheduled for N/A (which may, upon agreement of the Parties, be continued from time to time *provided however* that following the 3rd continuance, the matter shall be set for hearing before the Court), following which time the Plan may be modified to the satisfaction of all Parties after notice and hearing before the Court, or the status conference may be marked closed by the Chapter 13 Trustee.

- ☐ 1. For the remainder of the Plan term, the periodic Plan payment is to be \$\_\_\_\_\_ as of \_\_\_\_\_ Debtor(s)' counsel shall file a motion to amend the income attachment order within seven (7) days of the date of this Order.
- ☐ 2. The length of the Plan is increased to a total of \_\_\_\_\_ months. This statement of duration of the Plan is an approximation. The Plan shall not be completed until the goals of the Plan have been achieved. The total length of the Plan shall not exceed sixty (60) months.
- ☐ 3. Plan terms are subject to the resolution of all actions to determine the avoidability, priority or extent of liens, including determination of the allowed amount of secured claims under *11 U.S.C. §506*, disputes over the amount and allowance of claims entitled to priority under *11 U.S.C. §507*, and all objections to claims.
- ☐ 4. The allowed claims of general unsecured creditors shall be paid from available funds on a pro rata basis, which may represent an increase or decrease in the amount projected in the Plan.
- ☐ 5. \_\_\_\_\_ shall be paid monthly payments of \$\_\_\_\_\_ beginning with the Trustee's \_\_\_\_\_ distribution and continuing for the duration of the plan term, to be applied by that creditor to its administrative claim, budget payments and/or security deposit. These payments shall be at the third distribution level.
- ☐ 6. The claims of the following creditors shall govern as to amount, classification and rate of interest (or as otherwise noted), unless the Debtor(s) successfully objects to the claim:
- X 7. Additional Terms: 1) The secured claim(s) of the following creditor(s) shall govern, and then following all allowed post-petition payment change notices filed of record: Home Investment Fund (Cln. 9) 2) The \$2010 plan payment in this Order ("Debtor Calc") is less than the amount calculated by the Trustee to complete the plan in the remaining plan term. Debtor Counsel has insisted Trustee use Debtor Calc. Trustee is willing to recommend confirmation utilizing Debtor Calc, under the specific and unique circumstances of this case, subject to the following understanding : (a) Debtor and Debtor counsel are primarily responsible for ensuring that the plan is adequately funded and the Trustee calculations are provided as a courtesy and convenience (so Trustee is willing to defer to Debtor under the unique circumstances of this case); (b) Debtor and Debtor counsel, having been warned of the probability the plan is underfunded accept the risk and consequences that it is; and (c) Trustee will seek dismissal at plan term end if the plan proves, as she suspects, to have been underfunded and may cite to this provision and Debtor's assumption of the risk of probable underfunding in

support of dismissal. 3) The Confirmation Order dated September 29, 2020 is *VACATED*.

**B IT IS FURTHER ORDERED THAT THE FOLLOWING DEADLINES ARE ESTABLISHED:**

**1. Objections to the Plan:** This Order is effective as of the date indicated below. Pursuant to *Fed.R.Bankr.P. 2002(b)(3)*, any party in interest with an objection to any provision of this Confirmation Order must file a written objection within the twenty-eight (28) day period following entry of this Order. Failure to timely object shall be deemed a waiver of all objections and an acceptance of the provisions of this Confirmed Plan. The Trustee may only disburse funds pursuant to this Confirmation Order upon expiration of the foregoing twenty-eight (28) day period.

**2. Applications to retain brokers, sales agents, or other professionals.** If the Plan contemplates sales of assets or litigation proceeds as a source of funding, Debtor shall file motion(s) to employ the necessary professionals within thirty (30) days hereof.

**3. Review of Claims Docket and Objections to Claims.** Pursuant to *LBR 3021-1(c)(2)*, the Debtor or Debtor's attorney, if represented, shall review all proofs of claim filed and shall file objections to any disputed claims within ninety (90) days after the claims bar date or, for late filed or amended claims, within ninety (90) days after they are filed and served. Absent an objection, the proof of claim will govern as to the classification and amount of the claim. Objections filed after the ninety (90) days specified herein shall be deemed untimely..

**4. Motions or Complaints Pursuant to §§506, 507, or 522.** All actions to determine the priority, avoidability, or extent of liens, all actions pursuant to *11 U.S.C. §§506, 507 and 522* shall be filed within ninety (90) days after the claims bar date.

**5. Filing Amended Plans.** Within fourteen (14) days after the Bankruptcy Court resolves the priority, avoidability, or extent of a lien, or any objection to claim, the Debtor(s) shall file an amended Plan to provide for the allowed amount of the claim if the allowed amount differs from the amount stated in the Plan. Debtor(s) shall also file an amended Plan within thirty (30) days after the claims bar date(s) in the event that no objection is filed and the claim(s) as filed causes the Plan to be underfunded.

**C IT IS FURTHER ORDERED THAT:**

**1.** After the claims objection deadline, the Plan shall be deemed amended to conform to the claims filed or otherwise allowed. If the Plan expressly modified the terms of payment to any creditor pursuant to *11 U.S.C. §1322(b)(2)*, nothing in this Order shall be construed to change the payment terms established in the Plan.

**2.** Any creditor who files or amends a proof of claim shall serve a copy on the Debtor(s) or counsel for the Debtor(s).

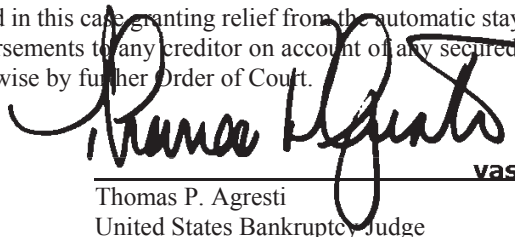
**3.** Any creditor whose payment changes due to variable interest rates, change in escrow, or change in monthly payments, shall notify the Trustee, Debtor(s)' Counsel and Debtor(s) at least twenty-one (21) days prior to the change taking effect.

**4.** Debtor's counsel must file a fee application in accordance with *W.P.A.LBR 2016-1* before attorney fees in excess of the "no look" provision (including retainer) will be allowed or paid.

**5.** The Trustee shall file a *Certificate of Default and Request for Dismissal* of the case in the event of a material Plan default. If the default involves failure to make a plan payment the case will result in dismissal without further hearing upon filing and service of an *Affidavit of Default* by the Trustee. The Trustee is not precluded from raising preconfirmation defaults in any subsequent motion to dismiss.

**6.** In the event that any order is entered in this case granting relief from the automatic stay to a secured creditor, then the Trustee shall make no further disbursements to any creditor on account of any secured claim that is secured by the subject property, unless directed otherwise by further Order of Court.

Dated: October 8, 2020  
(Effective Date)

  
\_\_\_\_\_  
Thomas P. Agresti  
United States Bankruptcy Judge

cc: All Parties in interest to be served by Clerk in seven (7) days

In re:  
Deborah J. Fuller  
Debtor(s)

Case No. 19-10599-TPA  
Chapter 13

## CERTIFICATE OF NOTICE

District/off: 0315-1

User: nsha

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Date Rcvd: Oct 08, 2020

Form ID: pdf900

Total Noticed: 28

The following symbols are used throughout this certificate:

Symbol	Definition
+	Addresses marked '+' were corrected by inserting the ZIP, adding the last four digits to complete the zip +4, or replacing an incorrect ZIP. USPS regulations require that automation-compatible mail display the correct ZIP.
++	Addresses marked '++' were redirected to the recipient's preferred mailing address pursuant to 11 U.S.C. 342(f)/Fed.R.Bank.P.2002(g)(4).

### Notice by first class mail was sent to the following persons/entities by the Bankruptcy Noticing Center on Oct 10, 2020:

Recip ID	Recipient Name and Address
db	+ Deborah J. Fuller, 10297 High St, Albion, PA 16401-9452
cr	+ Dep't of Revenue Office of Attorney General, Anthony T. Kovalchick, 1251 Waterfront Place, Mezzanine Level, Pittsburgh, PA 15222-4227
15068926	+ ACL, 1526 Peach Street, Erie, PA 16501-2110
15068927	+ Aes/fortis, Attn: Bankruptcy, Po Box 2461, Harrisburg, PA 17105-2461
15078003	+ COLLEGE ASSIST, PO BOX 16358, ST PAUL, MN 55116-0358
15068930	+ Collection Service Center, Inc., Attn: Bankruptcy, Po Box 560, New Kensington, PA 15068-0560
15068931	+ Conduent/Front Range Bank, Attn: Claims Department, Po Box 7051, Utica, NY 13504-7051
15068932	David J. Apothaker, Esquire, Apothaker Scian P.C., 520 Fellowship Rd, Ste C306, PO Box 5496, Mount Laurel, NJ 08054-5496
15068934	Erie County Tax Claim Bureau, 140 W 6th Street #110, Erie, PA 16501-1073
15068935	++ FIRST FEDERAL CREDIT CONTROL INC, 24700 CHAGRIN BLVD, SUITE 205, BEACHWOOD OH 44122-5662 address filed with court., First Federal Credit Control, Attn: Bankruptcy, 24700 Chagrin Blvd, Ste 205, Cleveland, OH 44122
15068936	+ Home Investment Fund V, LP, 323 5th Street, PO Box 35, Eureka, CA 95502-0035
15068938	+ KML Law Group, P.C., Attn: Rebecca A. Solarz, Esquire, Suite 5000 BNY Mellon Independence Ctr, 701 Market Street, Philadelphia, PA 19106-1538
15068941	+ Plain Green Loans, Attn: Bankruptcy, 1900 Frost Rd Ste 100, Bristol, PA 19007-1519
15068943	+ St. Vincent Hospital, 232 W 25th St, Erie, PA 16544-0001
15104345	UPMC Physician Services, PO Box 1123, Minneapolis, MN 55440-1123

TOTAL: 15

### Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center.

Electronic transmission includes sending notices via email (Email/text and Email/PDF), and electronic data interchange (EDI). Electronic transmission is in Eastern Standard Time.

Recip ID	Notice Type: Email Address	Date/Time	Recipient Name and Address
15076434	Email/PDF: resurgentbknofications@resurgent.com	Oct 09 2020 01:48:09	CACH, LLC, Resurgent Capital Services, PO Box 10587, Greenville, SC 29603-0587
15068928	+ Email/Text: bankruptcy@cavps.com	Oct 09 2020 00:58:00	Cavalry Portfolio Services, Attn: Bankruptcy Department, 500 Summit Lake Ste 400, Valhalla, NY 10595-2322
15091806	+ Email/Text: bankruptcy@cavps.com	Oct 09 2020 00:58:00	Cavalry SPV I, LLC, 500 Summit Lake Drive, Ste 400, Valhalla, NY 10595-2321
15068933	+ Email/Text: electronicbkydocs@nelnet.net	Oct 09 2020 00:58:00	Department of Education/Nelnet, Attn: Claims, Po Box 82505, Lincoln, NE 68501-2505
15068935	Email/Text: alyse@ffcc.com	Oct 09 2020 00:57:00	First Federal Credit Control, Attn: Bankruptcy, 24700 Chagrin Blvd, Ste 205, Cleveland, OH 44122
15108555	+ Email/Text: bknotices@sns.com	Oct 09 2020 00:58:00	Home Investment Fund V, LP, c/o SN Servicing Corporation, 323 5th Street, Eureka, CA 95501-0305
15068937	+ Email/Text: sbse.cio.bnc.mail@irs.gov	Oct 09 2020 00:57:00	Internal Revenue Service, Centralized Insolvency Operation, PO Box 7346, Philadelphia, PA 19101-7346
15068929	Email/PDF: ais.chase.ebn@americaninfosource.com	Oct 09 2020 01:50:07	Chase Card Services, Attn: Bankruptcy, Po Box 15298, Wilmington, DE 19850

District/off: 0315-1

User: nsha

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Date Rcvd: Oct 08, 2020

Form ID: pdf900

Total Noticed: 28

15068939	+ Email/Text: bankruptcydpt@mcmcg.com	Oct 09 2020 00:57:00	Midland Funding, 2365 Northside Dr Ste 300, San Diego, CA 92108-2709
15068940	Email/Text: RVSVCBICNOTICE1@state.pa.us	Oct 09 2020 00:57:00	PA Department of Revenue, Bankruptcy Division, PO Box 280946, Harrisburg, PA 17128-0946
15071390	+ Email/Text: RVSVCBICNOTICE1@state.pa.us	Oct 09 2020 00:57:00	Pennsylvania Department of Revenue, Bankruptcy Division PO BOX 280946, Harrisburg, PA 17128-0946
15068942	+ Email/PDF: resurgentbknofications@resurgent.com	Oct 09 2020 01:49:10	Resurgent Capital Services, Po Box 10587, Greenville, SC 29603-0587
15068944	+ Email/Text: BankruptcyNotice@upmc.edu	Oct 09 2020 00:58:00	UPMC Hamot, 201 State Street, Erie, PA 16550-0001
15074882	+ Email/Text: electronicbkydocs@nelnet.net	Oct 09 2020 00:58:00	US Department of Education c/o Nelnet, 121 S 13th St, Suite 201, Lincoln, NE 68508-1911

TOTAL: 14

## BYPASSED RECIPIENTS

The following addresses were not sent this bankruptcy notice due to an undeliverable address, \*duplicate of an address listed above, \*P duplicate of a preferred address, or ## out of date forwarding orders with USPS.

Recip ID	Bypass Reason	Name and Address
cr		HOME INVESTMENT FUND V, LP
15068945	*+	ACL, 1526 Peach Street, Erie, PA 16501-2110
15068946	*+	Aes/fortis, Attn: Bankruptcy, Po Box 2461, Harrisburg, PA 17105-2461
15068947	*+	Cavalry Portfolio Services, Attn: Bankruptcy Department, 500 Summit Lake Ste 400, Valhalla, NY 10595-2322
15068949	*+	Collection Service Center, Inc., Attn: Bankruptcy, Po Box 560, New Kensington, PA 15068-0560
15068950	*+	Conduent/Front Range Bank, Attn: Claims Department, Po Box 7051, Utica, NY 13504-7051
15068951	*	David J. Apothaker, Esquire, Apothaker Scian P.C., 520 Fellowship Rd, Ste C306, PO Box 5496, Mount Laurel, NJ 08054-5496
15068952	*+	Department of Education/Nelnet, Attn: Claims, Po Box 82505, Lincoln, NE 68501-2505
15068953	*	Erie County Tax Claim Bureau, 140 W 6th Street #110, Erie, PA 16501-1073
15068954	*P++	FIRST FEDERAL CREDIT CONTROL INC, 24700 CHAGRIN BLVD, SUITE 205, BEACHWOOD OH 44122-5662, address filed with court., First Federal Credit Control, Attn: Bankruptcy, 24700 Chagrin Blvd, Ste 205, Cleveland, OH 44122
15068955	*+	Home Investment Fund V, LP, 323 5th Street, PO Box 35, Eureka, CA 95502-0035
15068956	*+	Internal Revenue Service, Centralized Insolvency Operation, PO Box 7346, Philadelphia, PA 19101-7346
15068948	*P++	JPMORGAN CHASE BANK N A, BANKRUPTCY MAIL INTAKE TEAM, 700 KANSAS LANE FLOOR 01, MONROE LA 71203-4774, address filed with court., Chase Card Services, Attn: Bankruptcy, Po Box 15298, Wilmington, DE 19850
15068957	*+	KML Law Group, P.C., Attn: Rebecca A. Solarz, Esquire, Suite 5000 BNY Mellon Independence Ctr, 701 Market Street, Philadelphia, PA 19106-1538
15068958	*+	Midland Funding, 2365 Northside Dr Ste 300, San Diego, CA 92108-2709
15068959	*	PA Department of Revenue, Bankruptcy Division, PO Box 280946, Harrisburg, PA 17128-0946
15068960	*+	Plain Green Loans, Attn: Bankruptcy, 1900 Frost Rd Ste 100, Bristol, PA 19007-1519
15068961	*+	Resurgent Capital Services, Po Box 10587, Greenville, SC 29603-0587
15068962	*+	St. Vincent Hospital, 232 W 25th St, Erie, PA 16544-0001
15068963	*+	UPMC Hamot, 201 State Street, Erie, PA 16550-0001

TOTAL: 1 Undeliverable, 19 Duplicate, 0 Out of date forwarding address

## NOTICE CERTIFICATION

I, Joseph Speetjens, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.

Meeting of Creditor Notices only (Official Form 309): Pursuant to Fed .R. Bank. P.2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.

Date: Oct 10, 2020

Signature: /s/Joseph Speetjens

District/off: 0315-1

User: nsha

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Form ID: pdf900

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## CM/ECF NOTICE OF ELECTRONIC FILING

The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email) system on October 8, 2020 at the address(es) listed below:

Name	Email Address
Anthony T. Kovalchick	on behalf of Creditor Dep't of Revenue Office of Attorney General akovalchick@attorneygeneral.gov
Brian Nicholas	on behalf of Creditor HOME INVESTMENT FUND V LP bnicholas@kmlawgroup.com
Office of the United States Trustee	ustpregion03.pi.ecf@usdoj.gov
Rebeka Seelinger	on behalf of Debtor Deborah J. Fuller rebeka@seelingerlaw.com
Richard J. Bedford	on behalf of Debtor Deborah J. Fuller richard@seelingerlaw.com rjb8181@gmail.com
Ronda J. Winnecour	cmecf@chapter13trusteewdpa.com

TOTAL: 6